

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM  
Canjilon Creek, Section 3

**Subfile No.: CHCJ-001-0006**

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's October 25, 2010 Motion for Default Judgment (Docket No. 9970). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendant named below has been legally served with process or has waived service of summons.
3. The defendant named below has failed to appear, answer, or otherwise defend in this cause, and is adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 3, Canjilon Creek (July 14, 2000) relating to the defendant's water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendant named below in the above-styled and captioned cause are as follows:

***DONALD MARTINEZ***

**Subfile No.:** CHCJ-001-0006

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of an unnamed drainage, a tributary of Canjilon Creek,  
a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** MARTINEZ UNNAMED DITCH

**Location:** X= 1,621,660 feet Y= 2,006,259 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 05, Township 26N, Range 06E, N.M.P.M.

Pt. NE $\frac{1}{4}$	6.0 acres
Pt. SE $\frac{1}{4}$	3.0 acres
Total	<hr/> 9.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-001-0006

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of an unnamed drainage, a tributary of Canjilon Creek, a  
tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** SPRING NO. 3 DITCH

**Location:** X= 1,620,992 feet Y= 2,007,415 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 05, Township 26N, Range 06E, N.M.P.M.

Pt. NE $\frac{1}{4}$	0.8 acres
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Total	<u>0.8</u> acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-001-0006

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**C. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of an unnamed drainage, a tributary of Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** SPRING NO. 4 DITCH

**Location:** X= 1,621,689 feet Y= 2,008,064 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 05, Township 26N, Range 06E, N.M.P.M.

Pt. NE¼	<u>13.0</u> acres
Total	13.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-001-0006

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**D. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of an unnamed drainage, a tributary of Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** SPRING NO. 5 DITCH

**Location:** X= 1,621,818 feet Y= 2,010,195 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 05, Township 26N, Range 06E, N.M.P.M.

Pt. NE $\frac{1}{4}$  13.0 acres

Section 32, Township 27N, Range 06E, N.M.P.M.

Pt. SE $\frac{1}{4}$  1.5 acres

Total 14.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-001-0006

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**E. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** NONE

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** NONE

**Location:** X= 0 feet Y= 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Section 05, Township 26N, Range 06E, N.M.P.M.

Pt. NE $\frac{1}{4}$  11.4 acres

Section 32, Township 27N, Range 06E, N.M.P.M.

Pt. SE $\frac{1}{4}$  4.2 acres

Total 15.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-001-0006

**Amount of Water:** NONE

IT IS, THEREFORE, ORDERED that the above-named defendant be and hereby is, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

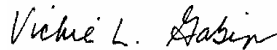
IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs and assigns, is enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.



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BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

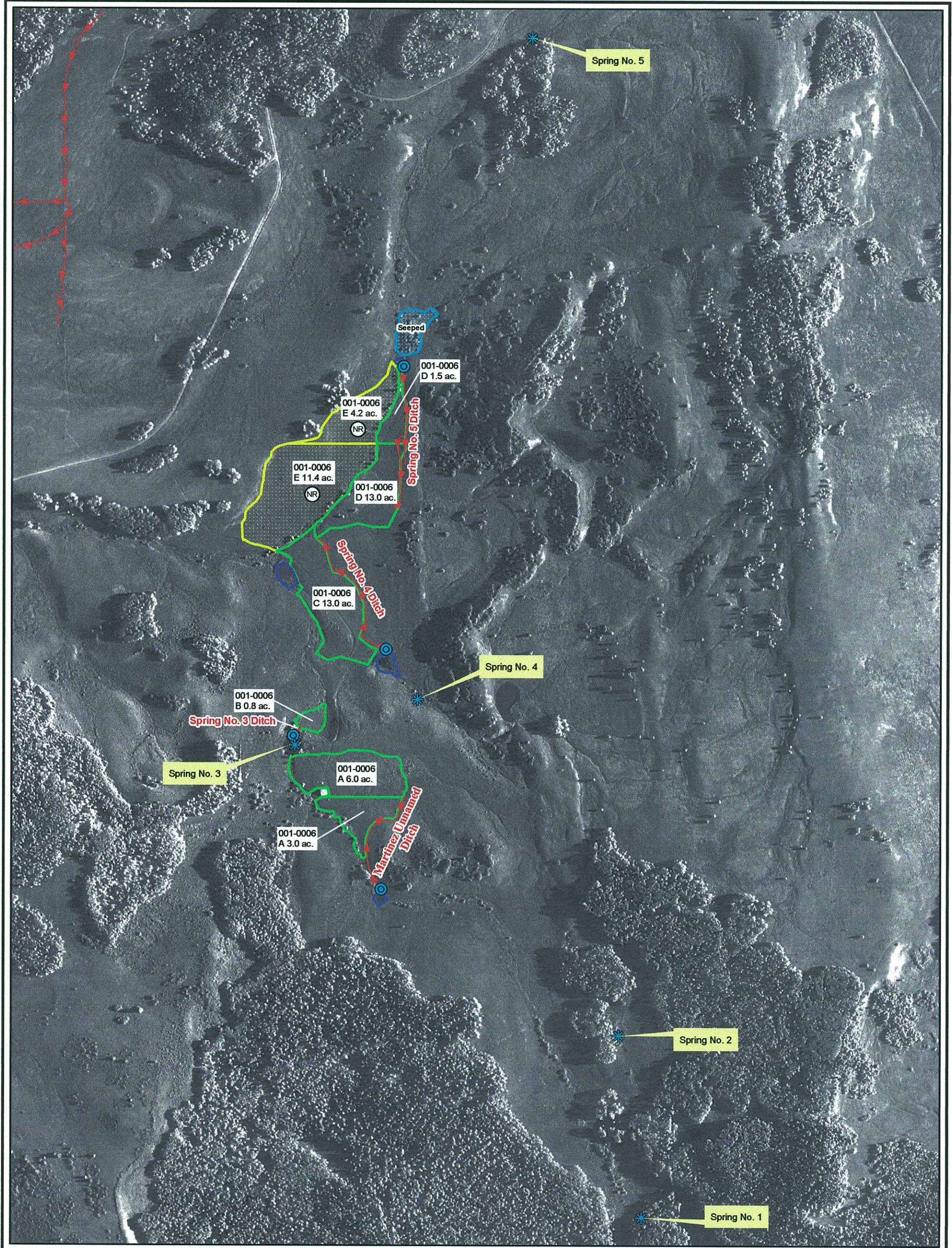
Recommended for approval:




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SPECIAL MASTER





<p>LEGEND</p> <table><tr><td></td><td>Irrigated Tract Boundary</td><td></td><td>Spring</td></tr><tr><td></td><td>No Right Tract Boundary</td><td></td><td>Point of Diversion</td></tr><tr><td></td><td>Seeped Area</td><td></td><td>No Right</td></tr><tr><td></td><td>Operable Ditch</td><td></td><td></td></tr><tr><td></td><td>Inoperable Ditch</td><td></td><td></td></tr><tr><td></td><td>Stock Ponds / Reservoir</td><td></td><td></td></tr></table>		Irrigated Tract Boundary		Spring		No Right Tract Boundary		Point of Diversion		Seeped Area		No Right		Operable Ditch				Inoperable Ditch				Stock Ponds / Reservoir			<p>1 inch = 700 feet</p> <p>0 350 700 Feet</p>	<p>STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer</p> <p>Rio Chama Hydrographic Survey CANJILON CREEK SECTION</p>	<p>Subfile Number CHCJ-001-0006 Martinez Unnamed Ditch, Spring No. 3 Ditch, Spring No. 4 Ditch &amp; Spring No. 5 Ditch AMENDED March 11, 2010</p> 
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